

REMARKS/ARGUMENTS

A. Background

The present Amendment is filed in response to the Examiner's Office Action mailed May 23, 2003. Claims 1-108 were pending. Claims 40 and 41 were previously withdrawn. The Office Action rejects claims 1-39 and 42-108. Claims 24 and 42-108 are cancelled. Claims 1, 9, 25, 27, 30, 31, and 37-39 are amended. New claims 109-153 are added. Claims 1-23, 25-39, and 109-153 are now pending in view of the above amendments.

Claims 38, 64, 65, 99-101, and 103-107 were rejected under U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards and the invention.

Claims 1, 3, 5, 21, 22, 24-26, 31, 42, 44, 45, 48, 55, 57, 58, 60, 62, 81, 82, 84, 85, 86, 90, 92-98, 107 and 108 were rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,702,115 to *Pool*.

Claims 2, 4, 7, 30, 46, 47 and 83 were rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 5,702,115 *Pool*.

Claims 6 and 103-106 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of United States Patent No. 5,820,143 to *Rigo*.

Claims 8, 9, 37, 99-102 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of United States Patent No. 4,625,949 to *Walker*.

Claims 10 and 61 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of United States Patent No. 5,833,330 to *Kos*.

Claims 11, 12, 14, 17, 63-68 and 87-89 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of United States Patent No. 5,518,258 to *Cox*.

Claim 13 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of United States Patent No. 5,975,660 to *Tisbo, et al.* ("*Tisbo*").

Claims 15 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of *Cox* and United States Patent No. 5,605,344 to *Insalaco, et al.* ("*Insalaco*").

Claims 18-20, 38, 56, 69-80 and 91 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of United States Patent No. 6,296,626 to *Stein*.

Claims 23, 32-35, 50, 51 and 53 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of United States Patent No. 4,998,302 to *Silva*.

Claims 27, 28 and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of United States Patent No. 6,220,610 to *Cox*.

Claim 29 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of *Cox* ('610) and United States Patent No. 6,131,929 to *Haley*.

Claim 39 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of *Stein* and *Silva*.

Claim 49 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of *Haley*.

Claim 52 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of *Silva* and *Haley*.

Claim 54 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of United States Design Patent No. D391,343 to *Tagg*.

Claim 59 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of United States Patent No. 5,997,928 to Kaish *et al.* (“*Kaish*”).

By this response, Applicant amends claims 1, 9, 25, 27, 30, 31, and 37-39. Accordingly, claims 1-23, 25-39, and 109-153 are presented for the Examiner’s reconsideration in light of the amendments and the following remarks. For the Examiner’s convenience and reference Applicant’s remarks are presented in the order in which the corresponding issues were raised in the Office Action.

B. Comment on Previous Election by Applicant

Applicant acknowledges the decision by the Examiner to examine claims 1-39 and 42-108 in accordance with Applicant’s previous election.

C. Objection to the Claims

The Examiner objects to claim 49 for an informality. Applicant notes that claim 49 has been cancelled. As such, Applicant requests removal of this objection.

D. Rejections Under 35 U.S.C. § 112

The Examiner rejects claims 38, 64, 65, 99-101 and 103-107 under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, claim 38 is objected to for including the language “with provisions for other uses.” In response, Applicant has amended claim 38 to remove the language at issue.

With respect to the rejection of claims 64, 65, 99-101, and 103-107 under 35 U.S.C. § 112 ¶ 2, Applicant notes that each of these claims has been cancelled by the present amendment, thereby rendering the rejections moot. Removal of the rejection under section 112 of these claims, as well as claim 38, is therefore respectfully solicited.

E. Rejections Under 35 U.S.C. § 102

Claims 1, 3, 5, 21, 22, 24-26, 31, 42, 44, 45, 48, 55, 57, 58, 60, 62, 81, 82, 84, 85, 86, 90, 92-98, 107 and 108 are rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,702,115 to *Pool*. As will be shown below, however, *Pool* – assuming *arguendo* that it qualifies as a reference under section 102 – fails to teach each and every element of the pending claims, and thus does not anticipate the present claimed invention.

Pool discloses a utility cart for primary use in the health care industry. In particular, the utility cart of *Pool* includes a wheeled frame 12 having a plurality of rectangular walls 22, 24, 26, 28, 42, 44, 46, and 48 that respectively define storage areas A and B. Some of the walls, such as wall 24 and wall 48, also function as doors via piano hinges 25 and 47 that hingedly join these walls to respective walls 22 and 46. As shown in Figure 1, the utility cart of *Pool* further includes a horizontally-surfaced top 50 including a sink 52 for receiving and holding a liquid.

The claimed invention is substantially different than the device taught by *Pool*. Specifically, amended independent claim 1 requires the presence, in a mobile safety compliance apparatus, of a shell having a base, a top, and a plurality of substantially vertical walls between the base and the top, and “a sink *positioned in a first recess*

defined in at least one of the substantially vertical walls.” Pool teaches no such structure. In contrast, Pool discloses a sink positioned on the top of a utility cart (see Pool, column 5, lines 1-4). The placement of the sink of Pool on the top surface of a utility cart corresponds to the intended use of the cart “in environments such as nursing homes or hospitals where patients may be closely located on adjacent beds,” Pool, column 7, lines 35-37. As such, top surface placement of the sink enables a user of the utility cart to access the sink with relative ease. This differs significantly from the sink placement of the present claimed invention as defined in claim 1, which is positioned in a recess so as to reserve the top surface of the presently claimed mobile apparatus for other uses. Thus, Pool fails to anticipate claim 1. In light of this, Applicant submits that claim 1 is allowable and respectfully requests that the rejection under Section 102 be removed. Moreover, inasmuch as claims 2-23 and 25-36 are dependent upon independent claim 1, Applicant submits that these claims are also allowable for at least the reasons given above. Allowance of these claims is therefore also respectfully requested.

Applicant notes that the other claims rejected under Section 102, including claims 42, 44, 45, 48, 55, 57, 58, 60, 62, 81, 82, 84-86, 90, 92-98, 107, and 108 are cancelled by this amendment. As such, the rejection under Section 102 is rendered moot, and removal of the rejection to these claims is respectfully solicited.

F. Rejections Under 35 U.S.C. § 103

The Examiner rejects multiple claims under 35 U.S.C. § 103(a) as being unpatentable over *Pool* in view of various references. In particular, claims 2, 4, 7, 30, 46, 47 and 83 are rejected under 35 U.S.C. §103(a) as being unpatentable over United States

Patent No. 5,702,115 *Pool*. Claims 6 and 103-106 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of United States Patent No. 5,820,143 to *Rigo*. Claims 8, 9, 37, 99-102 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of United States Patent No. 4,625,949 to *Walker*. Claims 10 and 61 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of United States Patent No. 5,833,330 to *Kos*. Claims 11, 12, 14, 17, 63-68 and 87-89 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of United States Patent No. 5,518,258 to *Cox*. Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of United States Patent No. 5,975,660 to *Tisbo, et al.* (“*Tisbo*”). Claims 15 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of *Cox* and United States Patent No. 5,605,344 to *Insalaco, et al.* (“*Insalaco*”). Claims 18-20, 38, 56, 69-80 and 91 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of United States Patent No. 6,296,626 to *Stein*. Claims 23, 32-35, 50, 51 and 53 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of United States Patent No. 4,998,302 to *Silva*. Claims 27, 28 and 43 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of United States Patent No. 6,220,610 to *Cox*. Claim 29 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of *Cox* (‘610) and United States Patent No. 6,131,929 to *Haley*. Claim 39 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of *Stein* and *Silva*. Claim 49 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of *Haley*. Claim 52 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of *Silva* and *Haley*. Claim 54 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of United

States Design Patent No. D391,343 to *Tagg*. Claim 59 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Pool* in view of United States Patent No. 5,997,928 to Kaish *et al.* ("*Kaish*").

First, Applicant notes that the rejection of claims 2, 4, 6-17, 18-20, 23, 27-29, 30, and 32-35 is at least partially based on the *Pool* reference. Applicant further notes that each of these rejected claims is dependent upon amended independent claim 1. As was previously discussed, the teachings of *Pool* are inapplicable to the present invention as applied to claim 1 for failing to teach or suggest each of the limitations contained in that claim. Thus, *Pool* is equally inapplicable to the present claims rejected under section 103 for at least the above reasons, that is, its failure to teach or suggest all of the claim limitations contained not only in independent claim 1, but also the limitations contained in the presently rejected dependent claims noted here. Thus, the Office Action has failed to establish a *prima facie* case of obviousness. Applicant, therefore, respectfully submits that claims 2, 4, 6-17, 18-20, 23, 27-29, 30 and 32-35 are allowable and that the above rejection under Section 103 should be withdrawn.

Applicant further notes that rejected claims 46, 47, 83, 103-106, 99-102, 61, 63-68, 87-89, 59, 69-80, 91, 50, 51, and 53, 42, 49, 52, 54, and 59 are now cancelled by this amendment. Thus rejection under Section 103 of these claims is rendered moot, and thus should be removed. Such removal is therefore respectfully solicited by the Applicant.

With respect to claim 37: the Examiner rejects claim 37 under Section 103 as being unpatentable over *Pool* in view of *Walker*. However, *Pool*, either alone or in a combination with *Walker*, fails to teach or suggest each and every claim element of the pending claims, and thus does not make obvious the present invention.

The teachings of *Pool* are discussed above. *Walker* discloses a welding and cutting cabinet for use in welding and associated applications. The claimed invention is substantially different from the devices taught by *Pool* or *Walker*. Specifically, amended independent claim 37 requires the presence, in a mobile safety compliance apparatus, of a shell having a base, a top, and a plurality of substantially vertical walls between the base and top, and “a sink connected to a recess *defined in at least one of the substantially vertical walls of the shell.*” As was previously discussed, *Pool* fails to teach or suggest at least this limitation of claim 37. *Pool* is therefore inapposite to the present claimed invention. Similarly, *Walker* also fails to teach anything similar to a sink defined in a recess. Applicant therefore submits that a *prima facie* case of obviousness does not exist with respect to independent claim 37 in view of the cited references, and respectfully requests that rejection of the claim under Section 103 be removed.

With respect to amended independent claim 38, the Examiner rejects claim 38 under Section 103 as being unpatentable over *Pool* in view of *Stein* which discloses an eye wash station having a dispensing arm that dispenses solution when the arm is in an operating position. However, this claim is also patentably distinct in light of the cited references. In particular, this claim requires a mobile safety compliance apparatus including a plastic shell having a plurality of substantially vertical walls, and “a sink *positioned in a recess defined in at least one of the substantially vertical walls.*” Again, *Pool* fails to teach at least this limitation of claim 38, and is therefore inapposite to the present claimed invention. *Stein* also fails to teach anything similar to a sink defined in a recess. Applicant therefore submits that a *prima facie* case of obviousness also does not

exist with respect to independent claim 38, and therefore respectfully requests that the rejection of the claim under Section 103 be removed.

With respect to amended independent claim 39: the Examiner rejects claim 39 under Section 103 as being unpatentable over *Pool* in view of *Stein* and *Silva*. The teachings of *Pool* and *Stein* are discussed above. *Silva* discloses a mobile hygiene cabinet, including a wash basin 14 mounted on a top of the cabinet. The wash basin 14 further includes an arcuate recess 15 on a front side of the basin to accommodate the neck of a patient for shampooing purposes. *See Silva*, column 2, lines 24-28. The invention as claimed in claim 39 is substantially different from the devices taught by *Pool*, *Stein*, or *Silva*. Specifically, amended independent claim 39 requires a mobile safety compliance apparatus having a shell that includes a plurality of substantially vertical walls, and “a sink connected to a *recess defined in at least one of the substantially vertical walls.*” As has been discussed, neither *Pool* nor *Stein* teach any such feature. Additionally, the wash basin of *Silva* is mounted on the top of the cabinet as explicitly set forth therein. The disposal of the wash basin of *Silva* on the top of the cabinet corresponds with the intended use of the cabinet for grooming bed-ridden patients such as those confined to hospitals, board and care homes, or convalescent homes (*see Silva*, column 2, lines 12-15). Thus, *Silva* also fails to teach at least the element of claim 39 as discussed above. Applicant therefore submits that a *prima facie* case of obviousness also does not exist with respect to independent claim 39 in view of the cited references, and respectfully requests that rejection of the claim under Section 103 be removed.

G. New Claims

Applicant submits that new claims 109-153 are also allowable in light of the cited references. In particular, new independent claim 109 discloses a mobile safety compliance apparatus having a shell and “at least one door hingedly attached to said shell, ... said at least one door quickly and easily removed from said shell.” Similarly, new independent claim 119 discloses a mobile safety compliance apparatus having a shell and “at least one door removably attached to said shell, said at least one door being quickly and easily removable from said shell.” And new independent claim 152 discloses a mobile safety compliance apparatus including a housing, “at least one door selectively attached to said housing, said at least one door configured for quick removal for an alternative use.” *Pool* teaches no such device. Indeed, the doors of *Pool* discussed above are attached to the utility cart taught by *Pool* by “suitable piano hinges” (*Pool*, column 4, lines 24-26 and 59-61), and thus appear to be configured for neither quick nor easy removal from the cart, as is required by the new independent claims of the present application.

Further, in rejecting similar original claim 13 of the application, the Office Action cites *Pool* in view of *Tisbo*. *Tisbo* also fails to teach anything similar to a door that is quickly and easily removed. In brief, *Tisbo* discloses a cabinet that is formed from a plurality of molded panels that are joined together to form the cabinet. The cabinet of *Tisbo* includes door panels 26 and 28 that are hingedly connected to other panels by support posts 38 and 40. As shown in Figure 8 of *Tisbo*, in order to remove the doors of the cabinet, it is first necessary to remove a top panel 24 and to disengage the support posts from clamping members 46 located on the top panel. Disengagement of the support

posts 38 and 40 from clamping members that are positioned on a base 12 must then be accomplished. The support posts must then be removed from hinge elements 64, 66 and hinge support member 68 before the door panels 26 and 28 can be removed from the cabinet. Thus, neither *Pool* nor *Tisbo* appear to teach or suggest doors that are quickly and easily removable from a shell. Because these references fail to teach any such device, Applicant respectfully submits that new claims 109, 119, and 152 are allowable. In addition, claims 110-118, 120-151, and 153 are dependent upon independent claims 109, 119, and 152, respectively, and therefore are also allowable for at least the reasons already stated above. Entry and allowance of these claims is therefore respectfully solicited.

H. Amendments to the Specification

Applicant has amended the specification to correct various numbering informalities that were present in the application as originally submitted. Applicant submits that no new matter has been added as a result of these amendments to the specification. Entry of these amendments is therefore respectfully requested.

I. Amendments to the Drawings

As a result of the amendments to the specification as noted above, modification of the drawings as originally submitted is necessary. In response, Applicant has amended Figures 1, 6, 7, and 16 to correctly indicate various numerical designations thereon. For the Examiner's convenience, a marked-up copy of the originally submitted figures, showing the changes made in red ink, is also submitted herewith. Applicant submits that

no new matter has been introduced as a result of these amendments. Entry of the amended figures is therefore respectfully requested.

CONCLUSION

In view of the response and amendments submitted herein, Applicant respectfully submits that each of the pending claims is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully invited to initiate the same with the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John C. Stringham", with a long horizontal line extending to the right.

John C. Stringham
WORKMAN NYDEGGER
Attorney for Applicant
Registration No. 40,831
Customer No. 022913

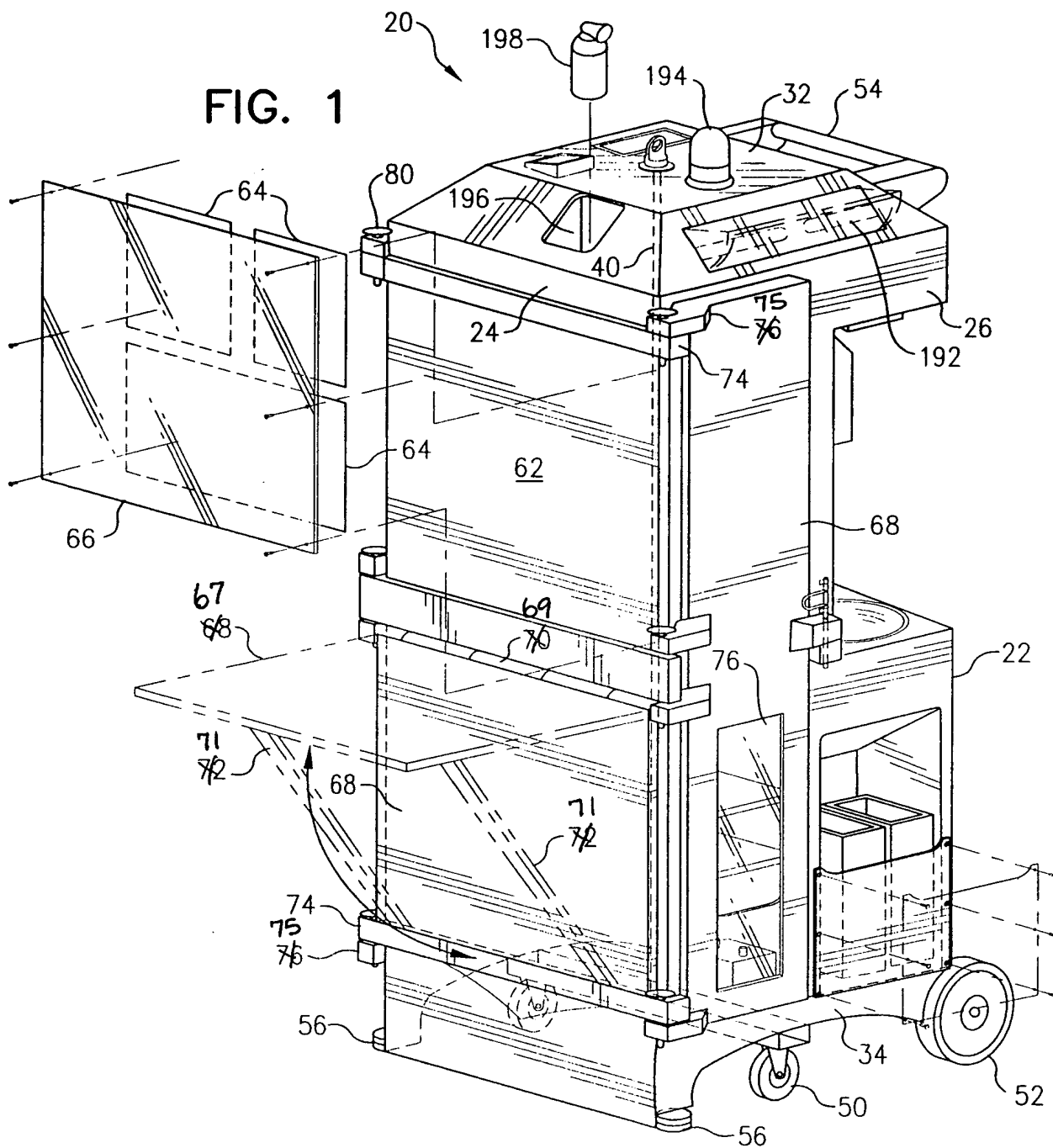


FIG. 5

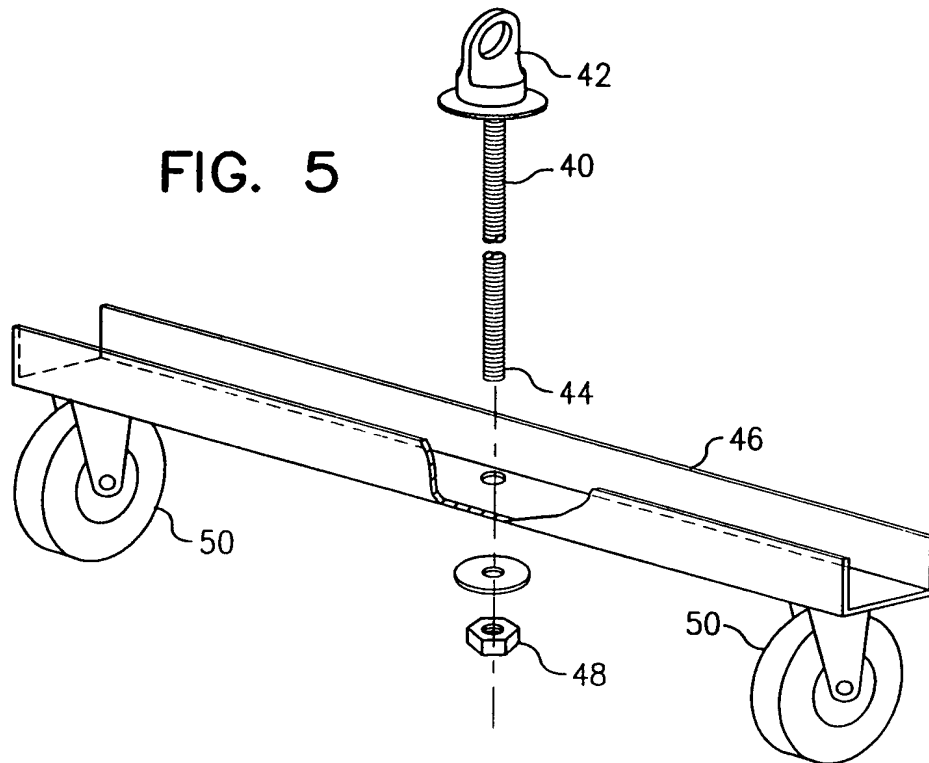


FIG. 7

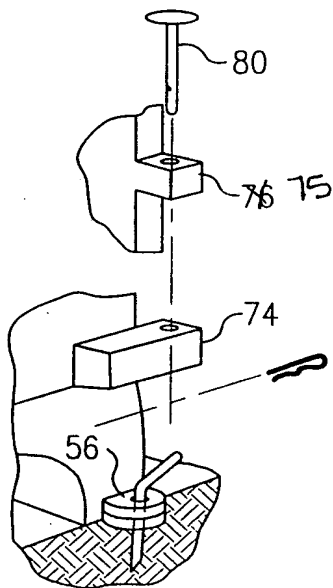


FIG. 8

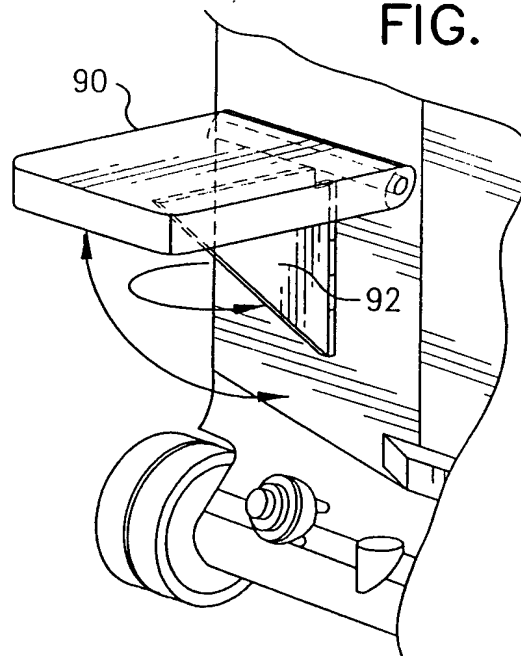


FIG. 6

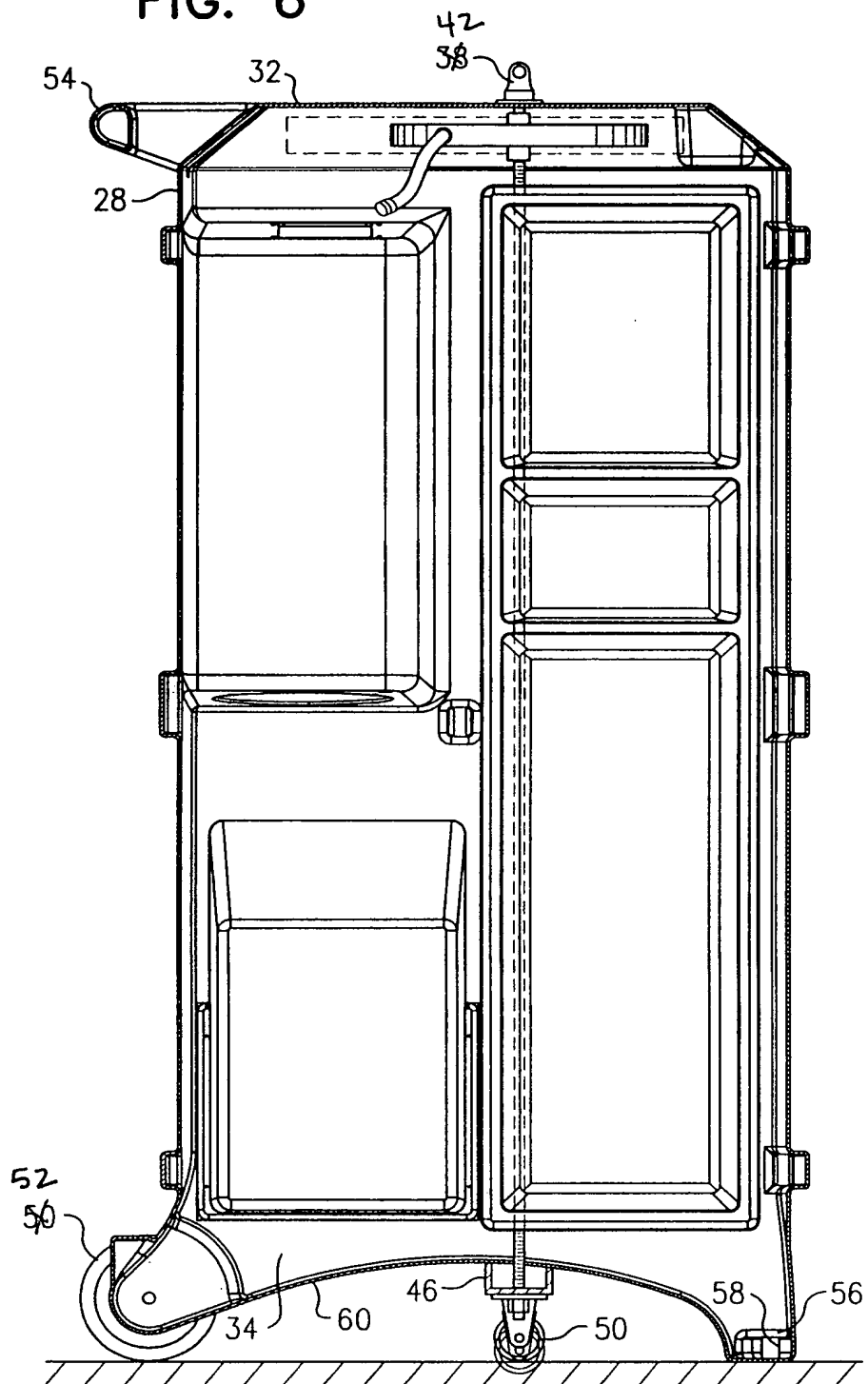


FIG. 17

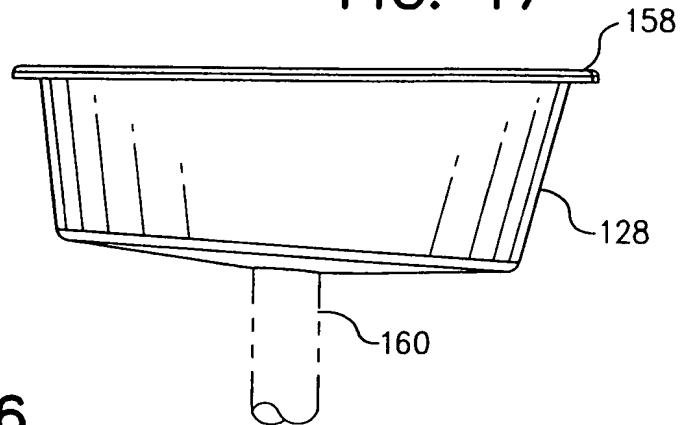


FIG. 16

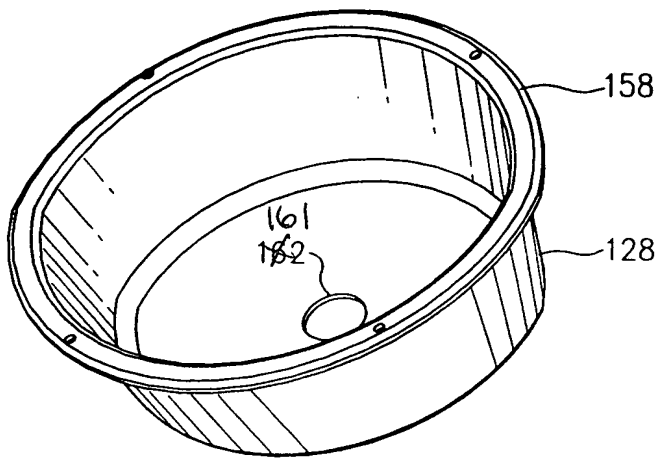


FIG. 18

